

Appeal Decision

Site visit made on 31 January 2017

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 February 2017

Appeal Ref: APP/J0405/W/16/3163245

105 Aylesbury Road, Aston Clinton, HP22 5AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Aneta Omonua against Aylesbury Vale District Council.
 - The application Ref 16/03423/AOP is dated 19 September 2016.
 - The development proposed is the demolition of the existing detached dwelling and outbuildings, and the erection of a block containing 6 flats, retaining the existing access and parking.
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Procedural matters

1. The Appellant has confirmed her name is Mrs Aneta Omonua. Moreover, while the application was being considered amended plans were submitted to show it was no longer intended to retain the site's existing access but rather to relocate it further west, and I have considered the appeal accordingly.
2. This is an outline application with just the matter of landscaping reserved for subsequent consideration. I have therefore treated any information concerning landscaping as being illustrative only.
3. In accordance with Government guidance, after the appeal was lodged the Council considered how it would have determined the application had it still been able to make such a decision, and it resolved it would have refused planning permission for 3 reasons. I have taken these into account.

Decision

4. The appeal is dismissed and planning permission is refused.

Main Issues

5. The main issues in this case are
 - a) whether the District has a 5 year supply of deliverable housing sites;
 - b) the effect of the scheme on the character and appearance of the area and
 - c) its impact on highway safety; and
 - d) if any harm would be caused whether this would significantly and demonstrably outweigh any benefit resulting from the contribution of the development to housing land supply (the balancing exercise).
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Policy

6. The *Aston Clinton Neighbourhood Plan* and the *Vale of Aylesbury District Local Plan* are both at a relatively early stage of preparation and so I cannot afford them significant weight. In relation to highway matters no conflict with the development plan has been cited in the suggested reasons for refusal, with reference being only made to the *Buckinghamshire's Local Transport Plan 4*. I shall therefore assess that issue against the *National Planning Policy Framework* (the Framework), which requires me, amongst other things, to take account of whether safe and suitable access to the site can be achieved.

Reasons

Whether the District has a 5 year supply of deliverable housing land

7. The Council accepted that it had no up-to-date housing supply policy but, despite this position, it contended it could demonstrate a 5 year housing land supply. This is based on the *Housing and Economic Development Needs Assessment* for the County, which gives revised population projections. However, I am not satisfied the Council's position has been independently tested, and I am mindful it does not take into account unmet need and the requirements of neighbouring authorities. As such, based on the evidence before me I am not able to find the Council can now demonstrate a 5 year supply of deliverable housing sites and so I must consider a shortfall therefore exists. I have little to show the scale of this shortfall, but as the Council said it had, until recently, a 4.9 year supply I have no reason to consider it would be appreciably lower and shall proceed on that basis.
8. Therefore paragraphs 49 and 14 in the Framework are engaged. These say that where a 5 year supply of deliverable housing sites cannot be demonstrated the relevant policies for the supply of housing should not be considered up-to-date, and where policies are out-of-date planning permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits.
9. In this case I accept that the provision of more homes would contribute towards addressing any shortfall and this should be given significant weight. However, as only 5 additional units would be provided this would only be a moderate benefit.

Character and appearance

10. The appeal property is on Aylesbury Road near its 3-way junction with London Road and Weston Road. It comprises a sizeable bungalow-style dwelling with dormer windows in the first floor, and it runs across virtually the full width of the plot and is set back behind a large front parking area.
11. On Weston Road near the junction are semi-detached and detached 2-storey houses that appear to date from the middle of last century, while London Road and Aylesbury Road are generally lined by dwellings of a range of heights, ages and scales. However, immediately next to the appeal property is a Guide Hall standing near to the back of the pavement, and opposite is a petrol station with a canopy and a small supermarket. The petrol station dominates the corner visually, while its distance from the pavement and its gable means the Guide Hall is also particularly noticeable. Overall, there is a wide variety of

building types and styles around this junction with little rhythm or consistency apparent.

12. What is proposed would have a predominantly 2-storey appearance although a second floor, served by roof lights, would be in the roof. It would therefore be taller than the existing house but would not exceed the heights of 105a and 107 Aylesbury Road to the east. A metre-wide passage would be to each side but otherwise the building would run the full width of the plot, and, although accommodating 6 flats, when seen from the road it would take the form of a relatively grand single dwelling symmetrically arranged around a central door. The front elevation would be slightly forward of the line of the existing frontage while the rear elevation would be a little further back when compared to the rear elevation now present.
13. Coming from the west the proposal would be concealed to a great degree by the Guide Hall, and from the east its prominence would be reduced by the presence of No 107 near the highway. From where the proposal would be visible, its position between the dominant Guide Hall on one side and the relatively large detached property at No 105a, its set back from the road and the range of styles and forms in the vicinity together mean it would not be of a design, scale or mass that was unsuited to this location.
14. On the opposite side of the road next to the petrol station is a listed cottage. However, this already sits in a distinctly urban context. Therefore, the separation from the development and the screening effect of the intervening Guide Hall mean the proposal would not fail to preserve its setting.
15. In reaching this view I am aware that the Appellant is proposing a bin and cycle store at the front that is not shown on the plans. However, anticipating what this would look like and accounting for the reduction in possible landscaping, I have no basis to reach different findings.
16. Accordingly the proposal would not detract unacceptably from the character or appearance of the area, and so in this respect it would not conflict with Policy GP.35 in the *Aylesbury Vale District Local Plan* or the Framework.

Highway safety

17. The appeal site is a few metres to the west of the roundabout at the Aylesbury Road / London Road / Weston Road junction. There are no specific parking restrictions at this point, but a cycleway marked by a broken line is on the road in front of the site and a bus stop is in front of the Guide Hall. On the opposite side of Aylesbury Road is an access into/out of the petrol station, whilst a further access to its forecourt is a little to the west. Along all 3 roads are numerous dropped crossings that tend to serve individual houses.
18. Based on my observations and the limited data I have relating to vehicle movements near the site, Aylesbury Road seems to carry a relatively constant, albeit not heavy, flow of traffic in both directions.
19. The highway concerns break down into 3 areas, each of which will be examined in turn.

Servicing from the road

20. The parking area for the proposed scheme would be insufficient to allow larger service vehicles to enter and leave in forward gear. For a development of this scale I consider there is likely to be such a low demand for traffic of this type that this would not create a highway problem. The only service vehicles that would be regularly expected would be refuse lorries. I was made aware of no planning policy requirement to accommodate these on site, and it is not uncommon for them to stop on the carriageway for a short time when the refuse is being collected. Mindful that, in all probability, kerbside collection occurs along the road I consider any effect this may have on the free-flow of traffic would not be harmful.

Parking

21. Local residents expressed concern about the proposed level of on-site parking. However, the 8 spaces shown are only 2 below the maximum of 10 required by the Council for the development. As the Council accepted that Aston Clinton is locationally sustainable due to its services and facilities I consider there would not be an undue reliance on the use of the private car by those living at the site. Therefore this shortfall below the Council's maximum standard would not result in a level of on-street parking that would cause unacceptable highway dangers.
22. Moreover, even if there was occasionally a greater demand, drivers should not park at the kerbside within 10m of a junction or where a cyclist's use of a cycle facility would be obstructed. Therefore I have no reason to consider cars would be parked on the road immediately outside the site.

Turning traffic

23. As the proposed scheme would have 6 flats it is reasonable to assume it would generate a greater amount of traffic turning into and out of the site than the single dwelling there now. In an attempt to address this concern the access would be relocated from the centre of the frontage to a position next to the western boundary and it would also be 4.8m wide so 2 vehicles could pass.
24. Vehicles turning left into the development would do little to disrupt the eastbound flow of traffic, which would be slowing in any event because of the approaching junction. The Council said confusion may arise if drivers travelling in an easterly direction indicated to turn into the site, as it may be interpreted as a signal concerning their intentions at the roundabout. This though is not a view I share, as any such indication would also be accompanied by a marked slowing to make the left turn manoeuvre.
25. However, westbound traffic would be stopping to turn right into the site almost immediately after having exited the roundabout. From my observations and the limited evidence before me I accept that such a manoeuvre would be rarely blocked by eastbound vehicles queuing back. Waiting could well be necessary though because of approaching traffic preventing the right hand turn. Indeed, even if there was no traffic on the eastbound carriageway, some slowing to make the manoeuvre would be understandable and expected.
26. Drivers approaching from London Road to continue along Aylesbury Road can pass through the junction and leave at relative speed, as they can see well in advance whether they have to give way and, being small, the roundabout

deflects their route only slightly. However, they may not expect cars to slow or even stop in the carriageway to turn into the site so soon after they had left the roundabout, and, given how fast vehicles could be travelling, this would unacceptably disrupt traffic and compromise highway safety. While I appreciate that a similar manoeuvre is undertaken at present, the increased likelihood of such turning traffic with this current scheme means the hazard and the harm would be notably increased.

27. Research in *Manual for Streets* says that very few accidents occur, even on heavily trafficked roads, as a result of vehicles turning into or out of driveways. However, such research did not say such accidents did not happen and, given the scale of the intensification and the proximity to the junction, on the evidence before me it is a reasonable and valid concern in this instance. The Appellant referred to the Parish Council's *Traffic Mitigation Opportunities* document as well that showed various measures for improving safety through the village. However, I was told that had not been necessarily agreed in its entirety by the Highways Authority and it is unclear whether the measures it outlines will be implemented. Therefore the weight it is afforded is limited.
28. I have also taken into account the long-established access points to the petrol station opposite, but consider that their presence does not justify the creation of the unsafe access now proposed. In any event, they have a different effect on highway safety as right turning traffic is blocking eastbound vehicles that are slowing in any event because of the roundabout. Westbound traffic leaving the roundabout can enter the petrol station with a left hand turn relatively easily and quickly because of the open nature of the forecourt and so cause less disruption to any vehicle movements going in that direction.

Conclusions on this issue

29. In the light of the above, I conclude that the increase in the turning movements of vehicles into the site would mean a safe and suitable access would not be achieved, resulting in an unacceptable harm to highway safety, in conflict with the Framework.

Other matters

30. The development would not result in unreasonable overlooking or noise disturbance at No 105a, and would not dominate or overshadow that property. I also have no basis to consider that noise from the Guide Hall or air quality would be unacceptable for the future residents.
31. Neighbours contended that the local facilities in Aston Clinton were fully stretched with little capacity for extra demand from additional residents. However in the light of the evidence submitted that does not offer a reason to resist the proposal. I have also no grounds to reach the view that the drainage or the mix of homes to be provided would be unsuitable.

Balancing exercise

32. Paragraph 14 of the Framework says when the development plan is silent or the relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case the development plan appears to be silent in relation to highway safety and out-of-date concerning other matters relevant to the supply of housing.

33. I have attached significant weight to the moderate benefit of 5 more residential units that this scheme would bring in a District where a 5 year supply in deliverable housing sites cannot be demonstrated. I also acknowledge that there would be some economic benefits resulting from the construction process and from the additional households in Aston Clinton while it would be locationally sustainable. However, to my mind even if taken together these are significantly and demonstrably outweighed by the harmful effect on highway safety resulting from the increased number of turning movements associated with the development.

Conclusions

34. Accordingly, for the reasons stated I conclude that the appeal should be dismissed.

J P Sargent

INSPECTOR